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Agenda item 146

Resolution adopted by the General Assembly on 24 December 2017

[*on the report of the Fifth Committee (A/72/665)*]

72/256. Administration of justice at the United Nations

The General Assembly,

Recalling section XI of its resolution 55/258 of 14 June 2001 and its resolutions 57/307 of 15 April 2003, 59/266 of 23 December 2004, 59/283 of 13 April 2005, 61/261 of 4 April 2007, 62/228 of 22 December 2007, 63/253 of 24 December 2008, 64/233 of 22 December 2009, 65/251 of 24 December 2010, 66/237 of 24 December 2011, 67/241 of 24 December 2012, 68/254 of 27 December 2013, 69/203 of 18 December 2014, 70/112 of 14 December 2015 and 71/266 of 23 December 2016,

Having considered the reports of the Secretary-General on administration of justice at the United Nations[1] and on the activities of the Office of the United Nations Ombudsman and Mediation Services,[2] the report of the Internal Justice Council on administration of justice at the United Nations[3] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[4] as well as the letter dated 26 October 2017 from the President of the General Assembly to the Chair of the Fifth Committee,[5]

1. *Takes note* of the reports of the Secretary-General on administration of justice at the United Nations[1] and on the activities of the Office of the United Nations Ombudsman and Mediation Services,[2] the report of the Internal Justice Council on administration of justice at the United Nations[3] and the related report of the Advisory Committee on Administrative and Budgetary Questions;[4]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee, subject to the provisions of the present resolution;

[1] A/72/204.
[2] A/72/138.
[3] A/72/210.
[4] A/72/7/Add.19.
[5] A/C.5/72/10.

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I
System of administration of justice

3. *Emphasizes* the importance of the principle of judicial independence in the system of administration of justice;

4. *Stresses* the importance of ensuring access for all staff members to the system of administration of justice, regardless of their duty station;

5. *Acknowledges* the evolving nature of the system of administration of justice and the need to carefully monitor its implementation to ensure that it remains within the parameters set out by the General Assembly;

6. *Reaffirms* its decision, contained in paragraph 4 of its resolution 61/261, to establish a new, independent, transparent, professionalized, adequately resourced and decentralized system of administration of justice consistent with the relevant rules of international law and the principles of the rule of law and due process to ensure respect for the rights and obligations of staff members and the accountability of managers and staff members alike;

7. *Notes with appreciation* the achievements of the system of administration of justice, while recognizing that there is still room for further improvement;

8. *Notes* that staff still appear to have limited awareness of the system of administration of justice, and encourages the system of administration of justice to continue its outreach and other awareness-raising campaign efforts;

9. *Takes note* of paragraph 17 of the report of the Internal Justice Council, and encourages the Secretary-General and the Office of Human Resources Management to ensure that staff have a more comprehensive understanding of the rules, regulations, instructions and administrative issuances dealing with human resources, including information on benefits and entitlements;

10. *Urges* the Secretariat to further strengthen and increase its outreach activities with a view to providing information on the role and functioning of the various parts of the system and the possibilities it offers to address work-related complaints, paying particular attention to field missions and offices;

11. *Recalls* paragraph 27 of its resolution 71/266, and further stresses the importance of establishing and implementing a comprehensive outreach and communication strategy for all staff members covered under the formal and informal parts of the system of administration of justice;

12. *Notes* the ongoing efforts to strengthen the policy on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations;[6]

13. *Notes with concern* the observations of the Internal Justice Council related to protection against retaliation for staff members who lodge cases before the Tribunals or who appear as witnesses, and requests the Secretary-General to present a comprehensive analysis of all existing policies and provide recommendations on ways to improve protections for such staff members at its seventy-third session;

[6] ST/SGB/2017/2/Rev.1.

II
Informal system

14. *Recognizes* that the informal system of administration of justice is an efficient and effective option both for staff who seek redress of grievances and for the participation of managers;

15. *Reaffirms* that the informal resolution of conflict is a crucial element of the system of administration of justice, emphasizes that all possible use should be made of the informal system in order to avoid unnecessary litigation, without prejudice to the basic right of staff members to access the formal system, and encourages recourse to the informal resolution of disputes;

16. *Welcomes with appreciation* the high resolution rate of cases mediated, encourages the Office of the United Nations Ombudsman and Mediation Services to continue its efforts in informal dispute resolution, and requests the Secretary-General to continue to provide detailed information on the activities of the Office, including statistical overviews of mediated cases;

17. *Requests* the Secretary-General to include information and recommendations on the overall results of the staff survey as they relate to staff perceptions of workplace conflict in the next report on the activities of the Office of the United Nations Ombudsman and Mediation Services;

18. *Encourages* the Office of the United Nations Ombudsman and Mediation Services to intensify its outreach activities to encourage informal dispute resolution;

19. *Recognizes* the efforts of the Office of the United Nations Ombudsman and Mediation Services in enhancing efforts aimed at the informal resolution of conflict, and requests the Secretary-General to continue to provide more detailed information in his next report to the General Assembly on the impact of conflict prevention training and on efforts to further enhance cooperation between the informal and formal parts of the system of administration of justice;

20. *Welcomes* the analysis of the root causes of conflict included in the report of the Secretary-General on the activities of the Office of the United Nations Ombudsman and Mediation Services, stresses the importance of improving management performance and staff communications, and urges the Secretary-General to continue to address the systemic issues identified in the report in order to improve upon the policies and procedures of the Organization;

21. *Recalls* paragraph 33 of the report of the Advisory Committee, and requests the Secretary-General to provide information on policy changes resulting from the effort of the Office of the United Nations Ombudsman and Mediation Services to help to resolve systemic issues in his future reports;

22. *Also recalls* paragraph 47 of its resolution 71/266, and notes that no formal proposal for additional resources to increase the activities of the Office of the United Nations Ombudsman and Mediation Services was included in the reports of the Secretary-General;

23. *Further recalls* paragraph 36 of the report of the Advisory Committee, and reiterates the continued importance of the informal part of the system of administration of justice;

III
Formal system

24. *Recognizes* the ongoing positive contribution of the Office of Staff Legal Assistance to the system of administration of justice;

25. *Requests* the Secretary-General to continue to track the data on the number of cases received by the Management Evaluation Unit and the United Nations Dispute Tribunal in order to identify any emerging trends and to include his observations on those statistics in future reports;

26. *Also requests* the Secretary-General to continue to ensure the accountability of managers whose decisions have been established to be grossly negligent, according to the applicable Staff Regulations and Rules of the United Nations, and which have led to litigation and subsequent financial loss, and to report thereon to the General Assembly at its seventy-third session;

27. *Decides* to extend the experimental period for one year, from 1 January to 31 December 2018, and requests the Secretary-General to provide further information, in consultation with the relevant stakeholders, regarding the implications of the regularization of the voluntary staff funding mechanism in order to take a decision on the issue of the financing of the Office of Staff Legal Assistance at its seventy-third session;

28. *Underscores* that regularizing the voluntary staff funding mechanism, if approved, shall not affect the nature of the funding of the Office of Staff Legal Assistance;

29. *Notes* the continuing high opt-out rates from the voluntary staff funding mechanism, and in this regard encourages the Secretary-General to continue to strengthen incentives for staff not to opt out, particularly in locations where the participation rate is low;

30. *Stresses* the need to continue to explore means to raise awareness among staff of the importance of financial contributions to the Office of Staff Legal Assistance;

31. *Requests* the Secretary-General to continue to collect and examine data relating to staff contributions to the Office of Staff Legal Assistance, including location data of opt-out rates, and to report thereon to the General Assembly at the main part of its seventy-third session;

32. *Decides* to extend the three ad litem judge positions and the current incumbent judges, as well as to extend the six current temporary staff positions supporting these judges, for one year, from 1 January to 31 December 2018, and requests the Secretary-General to provide further information, in consultation with the relevant stakeholders, regarding the implication of the establishment of three new permanent judges in the Dispute Tribunal, in order for a decision to be taken on this issue, at the seventy-third session of the General Assembly;

33. *Recalls* paragraphs 25 and 26 of the report of the Advisory Committee, and approves the payment of 600 United States dollars per interlocutory motion adjudicated by a United Nations Appeals Tribunal judge as well as the payment of a stipend to the President of the Tribunal in the amount of 1,500 dollars per month, starting on 1 January 2018;

34. *Welcomes* further views of the Internal Justice Council in its next report to the General Assembly on possible ways to continue to ensure the independence of the Tribunals;

35. *Notes* the continuing high degree of self-representation before the Dispute Tribunal, and in this regard requests the Secretary-General to undertake an analysis within existing resources on this issue, and to report thereon at its seventy-third session;

IV
Other issues

36. *Stresses* that the Internal Justice Council can help to ensure independence, professionalism and accountability in the system of administration of justice, and requests the Secretary-General to entrust the Council with including the views of both the Dispute Tribunal and the Appeals Tribunal in its reports;

37. *Invites* the Sixth Committee to consider the legal aspects of the report to be submitted by the Secretary-General, without prejudice to the role of the Fifth Committee as the Main Committee entrusted with responsibilities for administrative and budgetary matters;

38. *Requests* the Secretary-General to prepare, from within existing resources, and with a view to informing the discussion at the seventy-third session of the General Assembly, a comprehensive analysis of the information provided in annex II to his report on administration of justice at the United Nations on the remedies available to non-staff personnel.

76th plenary meeting
24 December 2017